

## COVINGTON

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By CM/ECF

September 8, 2022

The Honorable Philip M. Halpern  
United States District Judge  
The Honorable Charles L. Brieant Jr. Federal  
Building and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

**Re: *Smolen v. Wesley*, No. 7:16-cv-02417-PMH (S.D.N.Y.)**

Dear Judge Halpern:

We represent the Plaintiff, Samuel J. Smolen, Jr. ("Plaintiff"), in the above-captioned action. We write to respectfully request that Your Honor endorse the attached Order for Writ of Habeas Corpus Ad Testificandum ("Order") to allow Plaintiff to attend trial in this matter, which is scheduled to begin on October 17, 2022.

Plaintiff is presently detained at the Secure Treatment and Rehabilitation Center – Oakview in Marcy, New York. Plaintiff's current facility is a four-hour drive from the U.S. Courthouse in White Plains, New York. This distance makes it impractical for Plaintiff to remain at his current facility and to attend trial each day. The distance also makes it difficult for Plaintiff to meet with his counsel, who are based in New York City, to prepare for trial.

To alleviate these practical difficulties, we respectfully request that Your Honor endorse the attached Order permitting Plaintiff (1) to be transferred to Sing Sing Correctional Facility approximately two (2) weeks before trial to facilitate trial preparation; and (2) to attend trial in Your Honor's courtroom, beginning on October 17, 2022. Upon the completion of trial, Plaintiff would be returned to the Secure Treatment and Rehabilitation Center – Oakview, in Marcy, New York.

Plaintiff thanks the Court for its consideration of this request.

Respectfully submitted,

S/ William E. O'Neil  
William E. O'Neil

cc: All counsel of record (by CM/ECF)